

REMARKS

This application has been carefully reviewed in light of the Office Action mailed March 21, 2006. At the time of the Office Action, Claims 1-19 were pending in the application. In the Office Action, the Examiner rejects Claims 1-19. In the present Response, Applicant adds new Claims 20-29. Applicant respectfully requests reconsideration and allowance of all pending claims.

Section 112 Rejections

The Examiner rejects Claims 1, 8, and 12-17 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. In particular the Examiner asserts that "it is not clear the relationship between the icons and the status indicators." (Office Action; p. 3). Applicant traverses this rejection. Claim 1 sufficiently sets forth the relationship between "the icons" and "the status indicator." Specifically, Claim 1 recites that "the icons are associated with a plurality of objects." In addition, Claim 1 recites that the status indicator represents a "determined value," which is "a value of a property associated with a particular object." Thus, a relationship is established between "the icons" and "the status indicator" recited in Claim 1. As a result, Claim 1 satisfies the requirements of 35 U.S.C. 112. For analogous reasons, Claims 8 and 12-17 satisfy the requirements of 35 U.S.C. 112. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1, 8, and 12-17.

Section 103 Rejections

Claims 1-2, 4-7, 12, 14, 16 and 18

The Examiner rejects Claims 1-2, 4-7, 12, 14, 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,112,015 issued to Planas, et al. ("*Planas*") and further in view of U.S. Patent No. 6,661,434 B1 issued to MacPhail ("*MacPhail*"). Applicant respectfully requests reconsideration and allowance of Claims 1-2, 4-7, 12, 14, 16 and 18.

The *Planas-MacPhail* combination fails to support the rejection for at least two reasons. First, the Examiner's use of *MacPhail* to reject Claim 1 is improper. Second, the

proposed combination fails to teach, suggest, or disclose “determining a value of a property associated with a particular object” and “generating a status indicator representing the determined value” as recited, in part, in Claim 1.

The Examiner’s use of *MacPhail* to reject Claim 1 is improper. Claim 1 is entitled to a priority date of at least July 15, 1997 -- the filing date of U.S. Patent No. 5,958,012. “Any claim in a continuation-in-part application which is directed *solely* to subject matter adequately disclosed under 35 U.S.C. 112 in the parent nonprovisional application is entitled to the benefit of the filing date of the parent nonprovisional application.” MPEP § 201.11(I)(B). The present Application is a continuation-in-part of U.S. Serial No. 09/949,101, which is a continuation of U.S. Serial No. 09/408,213, which is a continuation of 08/892,919 (now U.S. Patent No. 5,958,012), filed on July 15, 1997. The elements of Claim 1 are adequately disclosed under 35 U.S.C. 112 in U.S. Patent No. 5,958,012. Thus, Claim 1 is entitled to a priority date of at least July 15, 1997. The earliest priority date of *MacPhail* is April 13, 2000. As a result, *MacPhail* is not prior art with respect to Claim 1, and the *Planas-MacPhail* combination is improper.

Second, the proposed combination fails to teach, suggest, or disclose “determining a value of a property associated with a particular object” and “generating a status indicator representing the determined value” as recited, in part, in Claim 1. In the Office Action, the Examiner admits that *Planas* fails to teach, suggest, or disclose these elements of Claim 1. (Office Action; p. 3). Consequently, the Examiner relies on a portion of *MacPhail* that describes icons associated with variables. (*MacPhail*; col. 9, ll. 11-20). *MacPhail* generally discloses a display of icons that represent multiple variables monitored by a system. (*MacPhail*; abstract). The display in *MacPhail* is small and monochromatic in order to operate on a PDA or other portable device. (*MacPhail*; col. 2, ll. 17-27). The cited portion of *MacPhail* merely discloses that an icon may be partially shaded to indicate the status of a variable. (*MacPhail*; col. 9, ll. 11-20). Specifically, the cited portion of states:

Square icons 70, 72, 74 and 76 are partially "filled" to give a rough indication of the present value of the corresponding variable. For example, icon 70 appears to represent a variable currently having a relatively high value (as compared to its normal range), while icon 76 appears to represent a variable currently having a relatively low value. Both of these icons are in the higher-interest portion of the reference shape in this embodiment, indicating that the present value of each of the corresponding variables is within its higher-interest range.

(*MacPhail*; col. 9, ll. 11-20). Thus, *MacPhail* teaches partially filling an icon to "give a rough estimation of the present value" of a variable. Merely shading an icon based on a "rough estimation" does not teach, suggest, or disclose "determining a value of a property associated with a particular object" as recited in Claim 1. In addition, the cited portion of *MacPhail* only teaches the shading or filling of a pre-existing icon. There is nothing in the cited portion of *MacPhail* that teaches, suggests, or discloses "generating a status indicator representing the determined value" as recited in Claim 1. As a result, *MacPhail* fails to support the rejection. For at least the foregoing reasons, Applicant respectfully requests reconsideration and allowance of Claim 1.

In rejecting Claims 12, 14, and 16, the Examiner employs the same rationale used with respect to Claim 1. Accordingly, for at least the reasons stated above with respect to Claim 1, Applicant respectfully requests reconsideration and allowance of Claims 12, 14, and 16.

Claims 2, 4-7, and 18 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited references. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 2, 4-7, and 18.

Claims 8-11, 13, 15, 17 and 19

The Examiner rejects Claims 8-11, 13, 15, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over *Planas* and further in view of U.S. Patent No. 6,577,323 B1 issued to Jamieson, et al. ("*Jamieson*"). Applicant respectfully requests reconsideration and allowance of Claims 8-11, 13, 15, 17 and 19.

The cited references fail to support the rejection of Claim 8 for at least two reasons. First, the Examiner's use of *Jamieson* to reject Claim 8 is improper. Second, the Office Action fails to properly identify any motivation for combining the teachings of *Planas* with the teachings of *Jamieson*.

First, the Examiner's use of *Jamieson* to reject Claim 8 is improper. Claim 8 is entitled to a priority date of at least July 15, 1997 -- the filing date of U.S. Patent No. 5,958,012. As explained above, the present Application is a continuation-in-part of U.S. Serial No. 09/949,101, which is a continuation of U.S. Serial No. 09/408,213, which is a continuation of 08/892,919 (now U.S. Patent No. 5,958,012), filed on July 15, 1997. The elements of Claim 8 are adequately disclosed under 35 U.S.C. 112 in U.S. Patent No. 5,958,012. Thus, Claim 8 is entitled to a priority date of at least July 15, 1997. The earliest priority date of *Jamieson* is July 1, 1999. As a result, *Jamieson* is not prior art with respect to Claim 8, and the *Planas-Jamieson* combination is improper.

Second, the Office Action fails to properly identify any motivation for combining the teachings of *Planas* with the teachings of *Jamieson*. To combine prior art under 35 U.S.C. § 103, "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." (Manual of Patent Examining Procedure (MPEP) §2143). In the Office Action, the Examiner states:

[I]t would have been obvious to one of ordinary skill in the art to incorporate the teachings of *Jamieson* into *Planas* because *Planas* discloses a method of presenting the status of an object and *Jamieson* discloses the property to be displayed is selectable in order to not clutter the display area.

(Office Action; p. 3). Thus, the Examiner suggests that *Jamieson* suggests the motivation for avoiding clutter of the display area. This statement, however, is inaccurate. *Jamieson* makes no reference to avoiding clutter of the display area. Instead, *Jamieson* discloses a complex display of multiple grids, symbols, and charts as well as large amounts of data. (*Jamieson*; Figure 3). If anything, *Jamieson* seems to provide motivation for creating rather than avoiding a cluttered display. Neither *Jamieson* nor *Planas* suggests the motivation of avoiding a cluttered display. Indeed, the motivation of avoiding a cluttered display is suggested by Applicant's Specification, not by any of the cited references. By relying on

Applicant's Specification, the Examiner is using hindsight reconstruction to find a motivation for combining the cited references. Applicant reminds the Examiner that it is improper for an Examiner to use hindsight having read the Applicant's disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q. 2d 1596, 1600 (Fed. Cir. 1988). Because the cited references fail to provide any motivation for the proposed combination, the proposed combination is improper. For at least the foregoing reasons, Applicant respectfully requests reconsideration and allowance of Claim 8.

In rejecting Claims 13, 15, and 17, the Examiner employs the same rationale used with respect to Claim 8. Accordingly, for at least the reasons stated above with respect to Claim 8, Applicant respectfully requests reconsideration and allowance of Claims 13, 15, and 17.

Claims 9-11 and 19 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited references. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 9-11 and 19.

Claim 3

The Examiner rejects Claim 3 under 35 U.S.C. 103(a) as being unpatentable over *Planas* as applied to Claim 1 above, and further in view of U.S. Patent No. 4,937,037 issued to Griffiths, et al. ("*Griffiths*"). The *Planas-Griffiths* combination, however, fails to teach, suggest, or disclose that "the status indicator has a reflective quality" as recited in Claim 3. The Examiner relies on *Griffiths* for this aspect of Claim 3. *Griffiths* discloses a electronic display apparatus that is able to receive variable analog signals and to convert the analog signals to digital signals. (*Griffiths*; col. 2, ll. 29-51). The apparatus in *Griffiths* is also able to provide a graphic display of the manner in which the input signal varies over time. (*Griffiths*; col. 2, ll. 29-51). The cited portion of *Griffiths* discloses that the apparatus may use a liquid crystal display device. In particular, the cited portion of *Griffiths* states:

A graphic display may be generated on such a liquid crystal device by selectively energizing a plurality of individual visually discernible cells or units....In a reflective cell the sttes [sic] represent reflective and non-reflective areas such that incident light falling on the screen is selectively reflected to provide a pattern of light and dark areas which can be visually distinguished by an observed.

(*Griffiths*; col. 3, ll. 36-40). Notably, the “reflective and non-reflective areas” in the foregoing statement pertain to the properties of liquid crystal cells. Thus, the “reflective areas” relate to the screen itself, not to the “the status indicator” as recited in Claim 3. As a result, *Griffiths* fails to teach, suggest, or disclose that “the status indicator has a reflective quality” as recited in Claim 3. Accordingly, the proposed combination fails to support the rejection. For at least this reason, Applicant respectfully requests reconsideration and allowance of Claim 3.

CONCLUSION

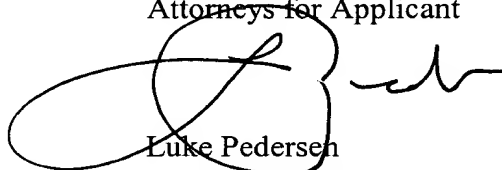
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

If there are matters that can be discussed by telephone to further the prosecution of this Application, Applicant invites the Examiner to call the undersigned attorney at (214) 953-6655 at the Examiner's convenience.

The \$450.00 fee for the new claims is submitted herewith and believed to be correct. Although no other fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: June 21, 2006

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